

UNITED STATES OF AMERICA

v.

Manning, Bradley E.  
PFC, U.S. Army,  
HHC, U.S. Army Garrison,  
Joint Base Myer-Henderson Hall  
Fort Myer, Virginia 22211

Prosecution Proposed  
Case Calendar

21 February 2012

1. The proposed calendar is based upon several assumptions. To the extent these assumptions prove to be incorrect or too ambitious, the schedule will be correspondingly longer. These assumptions are:

- a. The United States and defense file their motions according to the judicial calendar.
- b. All parties to this court-martial protect classified information and err on the side of caution when creating documentation that could contain classified information.
- c. The military judge establishes adequate procedures under Military Rule of Evidence (MRE 505) to adjudicate defense requests and to review potentially discoverable documents.
- d. Defense requests for classified information do not require inter-agency coordination between multiple Executive Branch Departments, Agencies, and organizations.<sup>1</sup>
- e. No additional clearances or "read-ons" to any programs will be required based on the United States or defense's use of classified information.
- f. All fact witnesses are available for trial and a trial date is set sixty days in advance of the last round of pretrial motions hearings, so that the United States can properly coordinate with not just senior members of the United States government, but all witnesses for both the defense and government.
- g. The consolidation of issues relating to classified information during pretrial hearings and trial will increase judicial efficiency and minimize delay.

2. Prosecution Proposed Calendar. The prosecution broke the projected issues into seven phases.

a. **Phase 1. Immediate Action (21 February 2012 - 16 March 2012)**

(1) **Proposed Case Calendar**

(A) Filing: 21 February 2012

(B) Response: N/A

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<sup>1</sup> The United States recognizes that the defense is unaware of the approval processes for certain classified information and will make requests based on classified information it deems necessary under MRE 505.

(C) Article 39(a): 23 February 2012

(2) **Protective Order and any Challenges**

(A) Filing: 21 February 2012

(B) Response: N/A

(C) Article 39(a): 23 February 2012

(3) **Bill of Particulars**

(A) Filing: 17 February 2012

(B) Response: 9 March 2012

(C) Article 39(a): 15-16 March 2012

(4) **Pretrial Publicity Order**

(A) Filing: 20 February 2012

(B) Response: 9 March 2012

(C) Article 39(a): 15-16 March 2012

(5) **Proposed Procedures under MRE 505**

(A) Filing: 20 February 2012

(B) Response: 9 March 2012

(C) Article 39(a): 15-16 March 2012

b. **Phase 2. Legal Motions, excluding Evidentiary Issues (9 March 2012 - 19 April 2012)**

(1) **Speedy Trial, including Article 10**

(A) Filing: 9 March 2012

(B) Response: 23 March 2012

(C) Article 39(a): 17-19 April 2012

(2) **Proposed Members Instructions, including elements, for Article 104, Article 134, Specifications 1 through 16.**

(A) Filing: 9 March 2012

(B) Response: 23 March 2012

(C) Article 39(a): 17-19 April 2012

(3) **Unlawful Command Influence**

(A) Filing: 9 March 2012

(B) Response: 23 March 2012

(C) Article 39(a): 17-19 April 2012

(4) **Improper Referral**

(A) Filing: 9 March 2012

(B) Response: 23 March 2012

(C) Article 39(a): 17-19 April 2012

- (5) **Dismissal of Charges**
  - (A) Filing: 9 March 2012
  - (B) Response: 23 March 2012
  - (C) Article 39(a): 17-19 April 2012
  
- (6) **Jurisdictional Defects**
  - (A) Filing: 9 March 2012
  - (B) Response: 23 March 2012
  - (C) Article 39(a): 17-19 April 2012
  
- (7) **Constitutional Challenges to UCMJ, MREs and RCMs**
  - (A) Filing: 9 March 2012
  - (B) Response: 23 March 2012
  - (C) Article 39(a): 17-19 April 2012
  
- (8) **MRE 404(b) Disclosures**
  - (A) Filing: 6 April 2012
  
- (9) **MRE 304 Disclosures**
  - (A) Filing: 6 April 2012
  
- (10) **Witness Lists Exchanged**
  - (A) Filing: 6 April 2012

c. **Phase 3. Evidentiary Issues *not* Involving Classified Information under MRE 505 (6 April 2012 - 4 May 2012)**

- (1) **Compel Discovery**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (2) **Compel Depositions**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (3) **Motions *in Limine***
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (4) **Motions to Suppress**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012

- (5) **Compel Experts**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (6) **Compel Witnesses**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (7) **Pre-Admit Evidence**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (8) **Pre-Authenticate Evidence**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (9) **Pre-Qualify Experts**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (10) **Requests for Judicial Notice**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012
  
- (11) **Privileges**
  - (A) Filing: 6 April 2012
  - (B) Response: 27 April 2012
  - (C) Article 39(a): 3-4 May 2012

d. **Phase 4. Judicial Review of Classified Material under MRE 505 (3 May 2012 - 20 June 2012)**

- (A) Filing: 3 May 2012
- (B) Response: 17 May 2012
- (C) Article 39(a): 20 June 2012

e. **Phase 5. Evidentiary Issues Involving Classified Information under MRE 505 (11 May 2012 - 22 June 2012)**

- (1) **Motions *in Limine***
  - (A) Filing: 11 May 2012

- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(2) **Litigation Concerning MRE 505 Substitutions**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(3) **Compel Discovery**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(4) **Motions to Suppress**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(5) **Compel Experts**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(6) **Compel Witnesses**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(7) **Pre-Admit Evidence**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(8) **Pre-Authenticate Evidence**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

(9) **Pre-Qualify Experts**

- (A) Filing: 11 May 2012
- (B) Response: 24 May 2012
- (C) Article 39(a): 20-22 June 2012

f. **Phase 6. Miscellaneous Motions (15 June 2012 - 27 June 2012)**

(1) **Grunden Hearing for all Classified Information**

- (A) Filing: 15 June 2012
- (B) Response: 22 June 2012
- (C) Article 39(a): 27 June 2012

(2) **Article 13**

- (A) Filing: 15 June 2012
- (B) Response: 22 June 2012
- (C) Article 39(a): 27 June 2012

(3) **Any additional motion that does not have an identified deadline**

- (A) Filing: 15 June 2012
- (B) Response: 22 June 2012
- (C) Article 39(a): 27 June 2012

g. **Phase 7. Member Selection (6 July 2012 - 19 July 2012)**

(1) **Venire Issues**

- (A) Filing: 6 July 2012
- (B) Response: 13 July 2012
- (C) Article 39(a): 19 July 2012

(2) **Voir Dire**

- (A) Filing: 6 July 2012
- (B) Response: N/A
- (C) Article 39(a): 19 July 2012

(3) **Member Instructions**

- (A) Filing: 6 July 2012
- (B) Response: N/A
- (C) Article 39(a): 19 July 2012

(4) **Flyer**

- (A) Filing: 6 July 2012

h. **Phase 8. Trial by Members (3 August 2012 - 21 August 2012)**



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